

LATHAM & WATKINS LLP
Elizabeth L. Deeley (CA Bar No. 230798)
elizabeth.deeley@lw.com
Nicole C. Valco (CA Bar No. 258506)
nicole.valco@lw.com
505 Montgomery Street, Suite 2000
San Francisco, CA 94111-6538
Telephone: +1.415.391.0600
Facsimile: +1.415.395.8095

Susan E. Engel (*pro hac vice*)
susan.engel@lw.com
555 Eleventh Street, N.W., Suite 1000
Washington, D.C. 20004
Telephone: +1.202.637.2200
Facsimile: +1.202.637.2201

Hilary H. Mattis (CA Bar No. 271498)
hilary.mattis@lw.com
140 Scott Drive
Menlo Park, CA 94025
Telephone: +1.650.328.4600
Facsimile: +1.650.463.2600

Attorneys for Defendant Facebook, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

DANIELLE A. SPRINGER, PROJECT
THERAPY, LLC (d/b/a THERAPY
THREADS), HOLLY DEAN, EE DIGITAL,
LLC and DZ RESERVE, individually and on
behalf of all others similarly situated,

Plaintiffs,

v.

FACEBOOK, INC.,

Defendant.

Case No. 3:18-cv-04978 JD

**[PROPOSED] ORDER GRANTING
DEFENDANT FACEBOOK, INC.'S
MOTION TO DISMISS THE
CONSOLIDATED AMENDED CLASS
ACTION COMPLAINT**

Date: May 16, 2019

Time: 10:00 a.m.

Court: Courtroom 11, 19th Floor

Hon. James Donato

[PROPOSED] ORDER

This matter is before the Court on Defendant Facebook, Inc.'s ("Facebook's") Motion to Dismiss the Consolidated Amended Class Action Complaint ("Complaint"). After consideration of the briefs and arguments of counsel and all other matters presented, the Court concludes that Facebook's motion to dismiss should be granted for the following reasons: (1) Plaintiffs lack standing to bring any of their claims, including under Federal Rule of Civil Procedure 12(b)(1); (2) each of the causes of action in the Complaint fails to state a claim as a matter of law under Federal Rule of Civil Procedure 12(b)(6); (3) Plaintiffs lack standing to seek injunctive relief under Federal Rule of Civil Procedure 12(b)(1); (4) the Unfair Competition Law, breach of contract, breach of the implied duty to perform with reasonable care, and breach of implied covenant of good faith and fair dealing claims are time-barred to the extent based on ad campaigns begun before August 15, 2014; and (5) the quasi-contract claim is time-barred to the extent based on ad campaigns begun before August 15, 2016.

Accordingly, IT IS HEREBY ORDERED THAT Facebook's Motion to Dismiss the Complaint is **GRANTED**, and the Complaint is DISMISSED WITH PREJUDICE.

IT IS SO ORDERED.

Dated: _____

By: HONORABLE JAMES DONATO
UNITED STATES DISTRICT JUDGE